



TOWN OF SAINT ANDREWS
PLANNING ADVISORY COMMITTEE MEETING
MINUTES

May 22, 2024, 7:00 p.m.
W.C. O'Neill Arena Complex Council Chambers

A. RECORD OF ATTENDANCE

At the Planning Advisory Committee Meeting on Wednesday, May 22, 2024, at 7:00 p.m. the following members were present:

Chair Jill Stewart, PAC Members Dwight Ingalls, Jeremiah Kerr, Kevin Simmonds, and Councillor Annette Harland.

Paul Nopper, Clerk - Senior Administrator, Alex Henderson, Director of Planning, Southwest New Brunswick Service Commission.

Electronic Attendance Alexander Gopen, Senior Planner, and Judy Hartford, Senior Development Officer, Southwest New Brunswick Service Commission.

Absent - Vice Chair Jeff Cross.

B. APPROVAL OF AGENDA

Motion: 039 - 05/24

Moved By Councillor Harland

Seconded By PAC Kerr

That the Agenda for the 240522 Planning Advisory Committee Meeting on Wednesday, May 22, 2024, be approved as presented.

Amended

Motion: 040 - 05/24

Moved By Councillor Harland

Seconded By PAC Simmonds

That the Planning Advisory Committee add under Presentations Christian Herbert, USVA on the proposed development of the Algonquin Spa and O'Brien House.

5 – 0

Carried

Motion: 041 - 05/24

Moved By Councillor Harland

Seconded By PAC Kerr

That the Amended Agenda for the 240522 Planning Advisory Committee Meeting on Wednesday, May 22, 2024, be approved as presented.

5 – 0

Carried

C. LAND RECOGNITION OF THE PESKOTOMUHKATI NATION

D. DECLARATION OF CONFLICT OF INTEREST

E. CONFIRMATION OF MINUTES

1. **Minutes of the 240313 Special Planning Advisory Committee Meeting
Wednesday, March 13, 2024, 6:30 p.m.**

Motion: 042 - 05/24

Moved By PAC Kerr

Seconded By Councillor Harland

*That the Minutes of the 240312 Special Planning Advisory Committee for
Wednesday, March 13, 2024, at 6:30 p.m. be adopted.*

5 – 0

Carried

2. **Minutes of the 240417 Planning Advisory Committee Meeting
Wednesday, April 17, 2024, 7:00 p.m.**

Motion: 043 - 05/24

Moved By PAC Ingalls

Seconded By PAC Tanner

*That the Minutes of the 240417 Planning Advisory Committee for
Wednesday, April 17, 2024, at 7:00 p.m. be adopted.*

Amended

Motion: 044 - 05/24

Moved By PAC Ingalls

Seconded By PAC Tanner

*Table the Minutes of the 240417 Planning Advisory Committee for
Wednesday, April 17, 2024, at 6:30 p.m.*

5 – 0

Carried

F. AGENDA ITEMS

1. **PRESENTATIONS/DELEGATIONS**

1. **Christian Herbert, USVA Presentation on the Proposed
Algonquin Spa and O'Brien House Developments.**

*Christian Herbert from USVA presented to the Planning Advisory
Committee on the development plans for the Algonquin Hotel's new
Spa and O'Brien House. Mr. Herbert provided the design and site
plan for review. Mr. Herbert discussed setbacks on the property,
building materials being considered including board and batten
design, that the building would be fully accessible, and not create
faux heritage design of the Spa and O'Brien House. The designs are
attempting to be complementary to designs in the community. PAC
thanked Mr. Herbert for the presentation and that they would be
discussing Views to Council later in the Agenda.*

2. ZONING APPLICATIONS

1. Obtain Views of the PAC on Amendment MP20-09 to the Municipal Plan MP20-01 and Z22-08 to the Zoning By-Law Z22-01, Charlie Bartlett PID 15156425, PCD240402

Senior Planner Alexander Gopen provided the Planning Advisory Committee with a presentation on the proposed Next Tide Market and Amendments MP20-09 to the Municipal Plan MP20-01 and Z22-08 to the Zoning By-Law Z22-01 at PID 15156425 for Charlie Bartlett. The property is in the Serviced Residential Zone on a 0.53 acre lot with a 1.5 storey, 1,000 sq.ft. barn. They are proposing a retail fishmonger in the existing barn. This would be an allowed use in the Central Commercial Zone and they would need to meet the requirements of 4 parking spaces with a paved driveway and a rear-yard setback variance. Site plans and maps of the property were provided to PAC for review. Statements of Public Interest 5 promote and prioritize development in areas of communities with existing or planned public infrastructure and services and Municipal Plan Policies 2.5.2(1), 2.5.2(6), 2.5.2(7) Economic Policies and 2.7.2(2) Infrastructure Policy were reviewed. In discussion restaurants and grocery stores sell fish currently but no dedicated fishmonger in town. Staff noted concerns about seafood storage and processing in the general region were brought forward. This development in this area is considered good as there is parking and fewer loading challenges than in the Historic Business District. There are opportunities to beautify the space and the gateway to the community. Council can set terms and conditions for the development. Recommended conditions for this site include outdoor garbage bins being sealable and odour-proof, high-quality landscaping including pedestrian paths, and if a new building is developed on the lot, it should be located towards the front of the lot to increase pedestrian engagement.

PAC thanked Planner Gopen for the presentation. PAC asked why the parking lot needed to be paved. Mr. Gopen noted this is a requirement in the Zoning By-Law, but consultation with Public Works should be done as it relates to stormwater. PAC asked if this is a year-round business. Mr. Charlie Bartlett noted that was the goal to operate year-round. PAC asked if the food was being prepared on-site for sale with the picnic tables in the site plan. Mr. Bartlett indicated lobster rolls would be the only item offered with fishmonger being the primary retail. Planner Gopen noted that the sale of fish and takeout lobster rolls would meet the requirements under the Zoning By-Law. It was noted that a public washroom would also be available. PAC noted the walkability of the area and that Council should consider a sidewalk or other active transportation for this area of town. PAC indicated that the Planners should follow up on the garbage disposal and ensure they are in sealable and leakproof to protect the residential area around. PAC was supportive of the application and that it would add to the business community. PAC spoke on parking spaces for the public but was noted that spots are dictated through the By-Laws of the Town.

Motion: 045 - 05/24

Moved By Councillor Harland

Seconded By PAC Tanner

That the Planning Advisory Committee of the Town of Saint Andrews provides the following views on Amendment MP20-09 to the Town of Saint Andrews Municipal Plan MP20-01 and for Amendment Z22-08 to the Zoning By-Law Z22-01 for PID15156425 for 232 Bayview Drive, Charlie Bartlett as per the Community Planning Act Section 110:

That the Planning Advisory Committee supports the development being proposed. PAC would recommend:

- 1. That Council looks at options of active transportation or sidewalks to this business.*
- 2. Ensuring that there is a proper solid waste plan in place for the protection of the residential neighbourhood.*
- 3. That the PAC appreciates the development enhancing the area as a greenspace and parkette.*
- 4. That a firm site plan is provided to Council prior to the final approval of the Amendments.*

5 – 0

Carried

2. Obtain Views of the PAC on Amendments MP20-02-03 to the Secondary Municipal Plan MP20-02 and Z22-09 to the Zoning By-Law Z22-01 for PIDs 15164718 and 01324284, for 742039 N.B. Ltd., PCD240501

Director of Planning Alex Henderson provided a presentation on MP20-02-03 and Z22-09. The applicant is requesting to amend the Secondary Municipal Plan and rezone a portion of PID 15164718 and 01324284. Rezoning from a Tourist Commercial Zone (TC) to an Integrated Development Zone (ID) to carry out a special purpose development on two areas of land that are a part of the Resort. The proposed developments would not fit in the Tourist Commercial Zone and the height and massing requirements. The proposed Spa to be placed on the vacant yard southeast of the most recent addition of the Algonquin Hotel on the north side of Prince of Wales Street adjacent to Fort Tipperary. They are proposing to develop a new 14,219 sq. ft. two-storey Spa that would be attached to the Algonquin with a footbridge. The Spa will be open to guests and the general public. Site plans and architectural renderings were provided to PAC for review. The other property, the O'Brien House on Carleton Street, is proposed for demolition and to be rebuilt as an 18,783 sq. ft. three-storey, multi-unit building to provide housing for staff at the Algonquin Resort. Site plans and architectural drawings were provided to the PAC for review. The Tourist Commercial Zone does not permit employee housing nor does it permit the use of land or buildings for the purposes of a Spa. As no Zone exists for these purposes, Council is using the Integrated Development Zone which allows for special permitting, provisions, and terms and conditions on the properties. Terms and Conditions were proposed to the PAC for consideration as per the By-Laws.

PAC thanked Planner Henderson for the presentation. PAC asked why the property does not fit in the high-density zone versus the ID Zone. Planner Henderson noted that the housing is specific for

employees and not the general public. Additionally, there are some parking conditions that could not be met and would need further variances. Under the ID Zone, you can establish these as Terms and Conditions. PAC asked why the new O'Brien Building has different heights and massing compared to the current building. The architect, Christian Herbert provided the dimensions of the building which provided similar size and scale to the original building. PAC asked the implications to either the O'Brien House or Spa if they were sold. Planner Henderson indicated that a change of Zone would need to occur if it is disconnected from the related campus. PAC had concerns about additional developments on the Algonquin property and if there are protections in place. Planner Henderson stated the Community Planning Act would not allow additional development without additional Terms and Conditions imposed. PAC asked about other examples of the ID Zone in the community. An example was brought forward of the Wabanaki Housing Development near Indian Point Park from the 1980s and it used a Development Scheme By-Law which is similar to the ID Zone.

PAC further discussed the proposed development. PAC acknowledged the setbacks of the Spa and that it is not taking away from Fort Tipperary. PAC had some concerns over the material used on the Spa and recommended working with the Planners on more complementary building materials based on Town architecture. PAC understands the conceptual design and was supportive of the fully accessible Spa concept.

Motion: 046 - 05/24

Moved By PAC Simmonds

Seconded By PAC Kerr

That the Planning Advisory Committee of the Town of Saint Andrews provides the following views on Amendment MP20-02-03 to the Town of Saint Andrews Secondary Municipal Plan MP20-02 and for Amendment Z22-09 to the Zoning By-Law Z22-01 for PIDs 15164718 and 01324284 for 742039 N.B. Ltd. as per the Community Planning Act Section 110:

1. Support for this application was not unanimous around the table. There is concern that the design of the spa building is not sympathetic with the historic surroundings of the existing building although the developer has explained the reason for this design choice. The Committee suggests that the applicant work with the Planners to examine building materials in keeping with the surrounding areas. We are appreciative of the fact that it will be a wheelchair accessible building.

2. We understand that there has been concern that there could be archeological items located near the building site. We believe a permit should be issued prior to development. The Committee also discussed adding a Provincial Heritage Permit with regards to the dormitory building destruction. Even though that building is in dilapidated status, there could be some items of historic significance inside.

4 – 1, Nay PAC Tanner

Carried

3. VARIANCE APPLICATIONS

1. Variance Application and Zoning for 298 Water Street, J Donovan Law, PID 01321967, PAC240506

Director of Planning Alex Henderson provided a presentation on the Variance application for 298 Water Street. The applicant is in a Mixed Use Zone and under Section 5.4.1(a) of the Zoning By-Law, they need a change of use to have the primary main use be a law office and the secondary a single-family dwelling. Terms and Conditions need to be established by the PAC. The applicant is seeking to install a new 24" x 24" projecting sign from the deck/porch area for the law office. The applicant has established a legal practice out of their residence and was unaware of the Zoning requirements and now it is before PAC. The Mixed Use Zone allows for commercial or residential use on the same property. The law office would be on the ground floor of their main building without making any changes to the interior or exterior except for the projecting sign. The rest of the building would remain as a residential use. Given the proposed office use barely rises above the category of home-based business, in staff's opinion, the parking shall be made only as a Term and Condition imposed on the change of use. Parking would need to be placed on the property. Section 8.5(1) of the Zoning By-Law provides guidance to the PAC on issuance of sign variances. Pictures of the property, interior and exterior were provided to the PAC for review.

PAC thanked Planner Henderson for the presentation. PAC had questions about the projecting sign design as it related to glitter. Mrs. Jennifer Donovan noted that their logo has yellow and black within it that might stand out as glittery and noted it would not be illuminated. Mrs. Donovan also noted that they will be using the dining room, main living room, and entryway on the main floor for the business. Staff work in living room area and business meetings with clients take place in the dining room. The second and third floors will be used as personal living space. The main business will use up to 200 sq. ft. of office space. PAC asked about parking and entry to the building. Mrs. Donovan noted that clients will park on the side of the house and enter off Water Street. There will be no side door entry. PAC asked about a sandwich board sign for the sidewalk. Mrs. Donovan indicated she would continue to use that sign as well for visibility from the street. PAC noted that the sign should not interfere with the public walking on the sidewalk and should be pulled close to the property. PAC asked about why this could not be a home-based business and why the law office would take over the main use. Planner Henderson noted that due to the level of staffing, the law office does not meet the standards. Additionally, there are no rules in the Zoning By-Law that stipulate the main use needs to take up more sq. ft. space than other uses. PAC asked for confirmation that the Zone would still be Mixed Use. Planner Henderson confirmed the Zoning as Mixed Use.

Public Comment

Guy Groulx, 50 Ernest Street. PAC received copies of the written correspondence submitted. The core of this matter is the definition of main use. Planner used primary use and there is no definition of this use. The definition of main use is the primary purpose for which a lot, building(s) and/or structure(s) are used. I do not think any

reasonable person is saying a 2,500 sq. ft. home with a 166 sq. ft. part-time office use and boardroom is a main use of a structure. The applicant purchased 298 Water Street for a year-round cottage, and wants to operate a business when they are there. I have suggested retaining the use as Service Residential and grant variances for this home-based business as requested by the applicant. Grant one sign variance off the column by the applicant. Permit 2 parking spaces on Water Street. As there are no spaces for parking on the property, pay the Town the \$2,000.00 per parking space. They have also been hosting community functions at this location and I am requesting that no events and functions be permitted. The other issue is that alcohol is being served to clients at these events. I have also requested that no alcohol be served in the law office. Compliance with alcohol should be monitored by the Town for failure to observe By-Laws. This strikes a good balance to meet the needs of the applicant and preserving the rights of the homeowners adjacent to the property. These minor variances achieve the applicant's request, keep it Serviced Residential, increase parking requirements, and support the Municipal Zoning By-Law with guidance from Zoning on the signage requirements. Allow one sign in the Residential Area. That is all I have to say.

PAC discussed the Terms and Conditions and Variance recommendations proposed. PAC discussed parking and noted that the parking would need to be developed on their property off Sophia Street. PAC sought clarification on alcohol and licencing. Planner Henderson noted that the Zoning By-Law specifically speaks about licencing for restaurants. There was a provision to update this legislation years ago to support the ongoing activities at Sunbury Shores. However, residents can apply for a Special Occasion Permit four times a year for their property to host events like a backyard wedding. This is all handled through the Department of Public Safety. PAC asked about Mr. Groulx's comments about the impacts on surrounding properties and how they are affected. Planner Henderson noted that the proposed business in the zone is not a major development of a business and is just above a home-based business. With exterior changes and the number of employees, they do not fit in the home-based business and would not fit in the Service Residential Zone. It would be permitted in the Commercial stream with the Terms and Conditions of the PAC. They could stay as a home-based business but signage would not be allowed and would be limited on personnel. PAC noted that they did not see a major impact on adjacent residents if it was a home-based business or commercial with conditions. PAC noted they would still have to adhere to the By-Laws of the Town. Planner Henderson indicated that there are very minor changes of use and there would be minimal impacts. PAC can establish Terms and Conditions to reduce the impact on neighbouring properties. PAC noted that if there are concerns regarding alcohol and no permits contact the Department of Public Safety. PAC discussed the signage and noted that the sign should not be illuminated with any lighting. Additionally, PAC reinforced that the sign could not be projected over the sidewalk.

Motion: 047 - 05/24

Moved By PAC Kerr

Seconded By Councillor Harland

That the Planning Advisory Committee for the Town of Saint Andrews permit the change to the principal use of PID 01321967 at 298 Water Street for J. Donovan Law, in the Mixed Use Zone from one category specified in Section 5.4.1 (a) of the Town of Saint Andrews Zoning By-Law Z22-01 to a different specified category (changing the principle use of a property from a single single-family dwelling to a law office with a secondary dwelling unit), subject to terms and conditions that:

1. *A minimum of two (2) vehicles and (1) bicycle paved parking spaces be maintained on the lot, as required by Zoning By-Law Z22-01 to accommodate the use of land, buildings, and structures.*

5 – 0

Carried

Motion: 048 - 05/24

Moved By PAC Simmonds

Seconded By PAC Kerr

That the Planning Advisory Committee for the Town of Saint Andrews permit the requested variance to sign regulations under Zoning By-Law Z22-01 for PID 01321967 at 298 Water Street for J. Donovan Law, by permitting a 24" x 24" projecting sign, advertising an office use, and attached to the building in two (2) ways that are otherwise not permitted under the By-Law. (1) projecting off a column on the porch, not off the building's main wall, and (2) projecting from the building at a height less than 2.5 metres above grade, as the request is reasonable, desirable for the development of the building within the commercial zone, and within the general intent of the By-Law, subject to the following terms and conditions:

1. *That signage on the lot be limited to one (1) projecting sign, as per the application to the PAC, and one (1) additional window or sandwich board sign, as permitted by the Zoning By-Law.*
2. *That the signage on the lot be non-illuminated and not project on or over the public right-of-way (including sidewalk).*

5 – 0

Carried

4. TERMS AND CONDITIONS APPLICATION

1. Terms and Conditions Application 61 Thomas Avenue, PID 01326438, Laura Teed., PAC240505

Senior Development Officer Judy Hartford presented to the PAC regarding the Terms and Conditions for a fence at 61 Thomas Avenue. The property is in the Serviced Residential Zone outside the Town Plat. The property fronts Thomas Avenue and Bayview Drive. Section 321 of the Zoning By-Law has standards for setbacks, heights, and construction requirements for a fence. Site plans and

visuals were provided to the PAC for review and consideration. The owner wishes to erect a five-foot tall, black vinyl chain link fence within the front and flankage yards. Terms and Conditions need to be applied by the PAC.

PAC thanked Development Officer Hartford for the presentation. PAC asked if this fence was to prevent deer from entering the property. Mrs. Laura Teed, owner, noted it was to fence in the area for her dog. PAC asked if the Town has started a review process on fencing and the types of fencing allowed. Planner Henderson noted that Council was starting the Municipal Plan and Zoning By-Law reviews and would be discussing fencing.

Motion: 049 - 05/24

Moved By Councillor Harland

Seconded By PAC Simmonds

That the Planning Advisory Committee for the Town of Saint Andrews permit a five-foot fence located within the front/flankage yard of 61 Thomas Avenue, PID 01326438, for Laura Teed, in a Serviced Residential Zone under Zoning By-Law Z22-01, subject to the following terms and conditions:

1. *No fence in any Residential or Commercial Zone shall be electrified or incorporate barbed wire or other sharp dangerous material in its construction.*
2. *The fence shall be maintained so that it does not become unsightly, dilapidated, or unsafe.*

5 – 0

Carried

5. SIGN APPLICATIONS

G. NEW BUSINESS

H. PAC MEMBER COMMENTS

PAC Simmonds - For clarification, people can report to the Department of Public Safety if there is a concern regarding liquor licences. Liquor licences are not part of the By-Law Enforcement for the Town. Enforcement of liquor licences is conducted by Public Safety, the RCMP, and the Liquor Inspectors.

I. CLOSED ITEMS

J. ADJOURNMENT

Motion: 050 - 05/24

Moved By PAC Stewart

At 9:43 p.m. that the meeting be adjourned.

5 – 0

Carried

Jill Stewart, Chair

Paul Nopper, Clerk - Senior
Administrator

